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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/427,070	04/24/95	DICKINSON R	PKR-2-363-4

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EXAMINER	
CASLER,B	
ART UNIT	PAPER NUMBER
3305	7

DATE MAILED: 03/04/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 11/13/96

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☒ Claim(s) 1-13 is/are allowed.
☒ Claim(s) 14-17 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.
☒ received in Application No. (Series Code/Serial Number) 07/441,637.
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
☐ Interview Summary, PTO-413
☐ Notice of Draftperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 15-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following are exemplary of the errors found. The examiner requests applicant carefully review the claims for other similar errors and to make the necessary corrections.

In claim 16, lines 10-11, "said open gap" and in the last line "said gap" lack antecedent basis.

The amendment to claim 16 has not been entered since it was not proper under 37 CFR 121(e), therefor the above rejection has been maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

Claims 14-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Matsutani in view of LeVeen.

Matsutani teaches everything including an MR system in which a patient bed with an opening under the support of the patient bed allowing the bed to be positioned over the lower pole of the MR system. Matsutani also teaches moving the bed in two dimensions to allow for proper placement of the patient with respect to the system.

Matsutani does not specifically show the bed having two supporting structures.

LeVeen teaches a imaging and therapy system in which a table having two supporting structures and an opening defined under the table allow the table to be positioned over the scanner.

It is well known in the art to have a bed or supporting platform with two supporting structures located at opposite ends of the bed to distribute the weight of the patient and provide sufficient support for the patient.

Therefor, it would have been obvious at the time the invention was made to one of ordinary skill in the art to include in the device of Matsutani a bed with two supporting portions to distribute the weight of the patient and provide sufficient support for the patient as is known and taught by LeVeen.

Allowable Subject Matter

3. Claims 1-13 are allowable over the prior art of record.

Response to Arguments

4. Applicant's arguments filed 11/13/96 have been fully considered but they are not persuasive.

Applicant argues that Matsutani fails to disclose an NMR polarizing magnet housing horizontal poles as stated in the preamble of claims 14 and 16.

Applicant's arguments are not well understood since, NMR is well known in the art and the different types of NMR systems, such as permanent magnet, superconducting electromagnets, and solenoidal electromagnets, are equally well known and all of them require a relatively massive polarizing magnet for producing a static uniform NMR polarizing field within the imaging volume. Note Li et al., col. 1, lines 19-25, submitted by applicant with the IDS in paper no. 3 for background information. Therefor, it is well known that Matsutani's solenoidal coils create a polarizing field necessary for any NMR procedure.

Furthermore, applicant's claims are constructed in Jepson format, in which case, the preamble language is set forth as the known prior state of the art which the Matsutani reference satisfies. It is further the opinion of the examiner that the claimed movable patient transport will work with any type of magnets, ie. permanent magnets, superconducting electromagnets, and solenoidal electromagnets, that have opposing poles and is open about at least three sides. It is not clear to the examiner how the type of magnet effects the use of the transport since all the different types create a polarizing field.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Casler whose telephone number is (703) 308-3552.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Marvin Lateef , can be reached on (703) 308-3256 . The fax phone number for Art Unit 3305 is (703) 308-0131 and for Group 3300 is 308-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0858.

Brian L. Casler
Art Unit 3305

BLC/blc
March 3, 1997